

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

HYDRO-PHOTON, INC.,  
a Maine Corporation

Plaintiff,

v.

MERIDIAN DESIGN, INC., a California  
Corporation

Defendant.

Civil Action No. 05-11240 GAO

**PLAINTIFF HYDRO-PHOTON, INC.'S STATEMENT OF DISPUTED FACTS IN  
OPPOSITION TO DEFENDANT MERIDIAN DESIGN, INC.'S MOTION FOR  
SUMMARY JUDGMENT OF NON-INFRINGEMENT**

Pursuant to Fed. R. Civ. P. 56 and Local Rule 56.1, Plaintiff, Hydro-Photon, Inc. ("HPI"), submits its statement of disputed facts in opposition to Defendant, Meridian Design, Inc.'s ("MDI's") Motion For Summary Judgment of Non-Infringement.

I. HPI admits the following facts set forth in Defendant Meridian Design, Inc.'s Statement of Material Facts In Support of Its Motion for Summary Judgment of Non-Infringement ("MDI's Fact Statement"):

1, 2, 3, 9, 10, 11, 13 and 18.

II. HPI disputes the following facts set forth in MDI's Fact Statement for the reasons stated next to each fact number:

4. The description is accurate for an embodiment of HPI's device described in the specification of the patent, not for the "claimed device."

5. See 4 above.

6. See 4 above.

7. The claims are part of the specification and they describe more than one embodiment.

8. See 7 above.

19. The statement is inaccurate to the extent it suggests the amendment to the claim was made to overcome a prior art rejection.

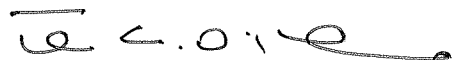
20. See 19 above.

III. The following facts are disputed for the reasons set forth in the Declaration of Miles Maiden in Support of Hydro-Photon, Inc.'s Cross Motion for Partial Summary Judgment of Infringement and in Plaintiff Hydro-Photon, Inc.'s Memorandum In Opposition To Defendant Meridian Design, Inc.'s Motion For Summary Judgment Of Noninfringement, And In Support of Plaintiff's Cross Motion For Partial Summary Judgment of Infringement at pages 13-15:

14, 15, 16, 17.

Hydro-Photon, Inc., Inc.  
By its attorneys,

Dated: 11/28/05

  
\_\_\_\_\_  
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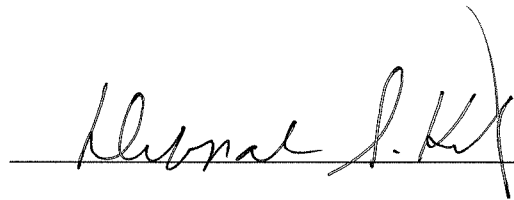
COUNSEL FOR PLAINTIFF, HYDRO-PHOTON,  
INC.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 28th day of November, 2005 a copy of the foregoing document is being served by First Class mail upon the following counsel for the defendant:

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A handwritten signature in black ink, appearing to read "Christopher L. Centurelli", is written over a horizontal line.